

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TANYA M. RIESBERG,

Plaintiff,

vs.

ANDREW M. SAUL, Commissioner of
the Social Security Administration,

Defendant.

8:18-CV-456

MEMORANDUM AND ORDER

This matter is before the Court upon the plaintiff's Motion for Attorney Fees pursuant [42 U.S.C. § 406\(b\)](#). [Filing 27](#). In a previous order, the Court awarded the plaintiff fees and expenses in the amount of \$2,523.02 pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). [Filing 25](#). Now before the Court is the plaintiff's motion for \$11,002.00 in attorney fees to be awarded to one of her attorneys, Mr. Kappelman. The defendant has no objection to the awarding of fees and expenses in that amount which represents Mr. Kappelman's share of the withheld 25 percent of the plaintiff's award of past due benefits, provided that the lesser of the two fee awards is refunded to the plaintiff. [Filing 28](#). Plaintiff's counsel already done so. [Filing 29](#).

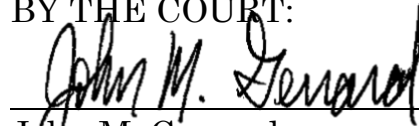
The Court, being fully advised in the premises, finds that the amount of fees requested is fair and reasonable. Accordingly, the Court will grant the plaintiff's motion and award the requested fees. The Court will further direct the plaintiff's counsel to refund the EAJA award to the plaintiff.

IT IS ORDERED:

1. The plaintiff's Motion for Award of Attorney Fees pursuant to [42 U.S.C. § 406\(b\)](#) ([filing 27](#)) is granted.
2. By separate document, the Court shall enter judgment for the plaintiff and against the defendant providing that the plaintiff is awarded attorney fees of \$11,002.00.
3. That sum shall be sent to plaintiff's counsel, Mr. Kappelman, who shall be responsible for refunding the fee award under the Equal Access to Justice Act to the plaintiff and remitting to Mr. Cuddigan his portion of the award.

Dated this 5th day of January, 2021.

BY THE COURT:



John M. Gerrard
Chief United States District Judge